

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA

Plaintiff,

V.

ALFREDO T. VENEREO,

Defendant.

4:04CR3075

## ORDER

As directed (filing 49), the government has now responded to the defendant's letter (filing 48), which I have construed as a motion to compel the government to file a Rule 35 motion to reduce the defendant's sentence. The government argues that the defendant has failed to make the necessary initial showing, the government argues that its failure to file a motion was not irrational, taken in bad faith or otherwise unconstitutional, and the government represents that the defendant's information did not result in the investigation or prosecution of another person. (Filing 50.) I am persuaded by the government's submission, and will deny the motion to compel.

The defendant has sent me another letter. It was received on December 26, 2006. I will direct that the letter be filed, and treated as a supplemental motion to compel the government to file a Rule 35 motion. That motion will be denied as well.

IT IS ORDERED that:

1. The letter (filing 48), construed as a motion to compel the government to file a Rule 35 motion, is denied.
2. The additional letter shall be filed by the Clerk, and treated as a motion to compel the government to file a Rule 35 motion. It is denied

January 5, 2007.

BY THE COURT:

*s/Richard G. Kopf*

United States District Judge